

Labeling Situations That Can Not Have a Temporary Approval

- A. When the following ingredients are in the product but not declared in the ingredients statement:
- Allergens *[milk products, egg products, fish, poultry, crustacea, mollusks, tree nuts, wheat and legumes (e.g., peanuts or soybeans, etc.)].*
- Other proteinaceous ingredients.
- Sweeteners *(when no other sweetener is listed in the ingredients statement, e.g., sugar, dextrose, corn syrup, sorbitol, maple syrup, etc.).*
- Salt
- Monosodium glutamate.
- Restricted ingredients *as listed in 9 CFR 318.7(c)(4) and 381.147, Table 1, e.g., sodium nitrite.*
- B. 1. When sulfiting agents are not declared on the label but greater than 10 parts per million (ppm) in individual products.
2. When sulfiting agents are not declared on the label of a secondary product, e.g., “breaded chicken patty with mashed potatoes”, and sulfiting agents are less than 10 ppm in the total product but where a separable component contains 10 ppm or more.
- C. When the ingredients statement does not adequately represent the product because of drastic formula changes.
- D. When a standard is not met.
- Examples:
- “Breaded veal patty” contains more than 30% breading.
- 70/30 rule not met.
- Byproducts in Kielbasa.
- F. When cooking instructions are not adequate to render the product safe. (For example: ground beef label states “cooked to 150° F for medium rare”).
- G. Label missing one or more mandatory features.
1. Product name.
 2. Ingredients statement (if applicable).
 3. Handling instructions.
 4. Safe handling instructions (if applicable).
 5. Signature line.
 6. Net weight statement (if applicable).
 7. Nutrition facts (if applicable).

8. Inspection legend including establishment number.
- H. When certain errors exist on labeling affecting nutrition facts, nutrition claims or nutrient content claims.
- Examples:
- Nutrition facts does not support nutrition claim.
 - Serving size is incorrect.
 - Nutrition values are over or under by more than 20% of actual product.
 - Unacceptable health / nutrition claim.
 - Nutrition claim or nutrient content claim on label but nutrition facts missing.
- I. Failure to sublist composite ingredient (enriched flour, soy sauce, etc.).
- J. Misuse of the term “fresh” on poultry.
- K. When mechanically separated poultry is in a product but not properly declared in the ingredients statement, i.e., the phrase “mechanically separated” is missing from the poultry ingredient.